

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JUDY VANDEVER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:05CV093-M-A
)	
JO ANNE B. BARNHART,)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER OF REVERSAL AND REMAND

On motion of Jo Anne B. Barnhart, Commissioner of the Social Security Administration, Defendant in the above cause and pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), this Court hereby reverses the Commissioner's decision and remands Plaintiff's claim for a new administrative hearing and a new decision. See Shalala v. Schaefer, 509 U.S. 292; 113 S.Ct. 2625 (1993) and Melkonyan v. Sullivan, 501 U.S. 89; 111 S.Ct. 2157 (1991). On remand, it is ordered that the Commissioner instruct the Administrative Law Judge to hold an additional administrative hearing and issue a new decision that considers whether Plaintiff's obesity is a severe impairment, evaluates Plaintiff's obesity under Social Security Ruling 02-1p, and cites and employs the test for severity contained in Stone v. Heckler, 752 F.2d 1099, 1106 (5th Cir. 1985), in determining the severity

of all of Plaintiff's impairments, including obesity, if necessary.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 27th day of January, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE